

REMARKS/ARGUMENTS

Applicant appreciates the Examiner's continued thorough search and examination of the present patent application.

Applicant appreciates the Examiner's indication in an Advisory Action issued on September 9, 2004 that the previous objection to the abstract has been overcome in view of applicant's amendment filed on July 23, 2004.

Applicant further appreciates the Examiner's indication in the above-identified Advisory Action of acceptance of applicant's continued assertion of the well-known meanings of "direct material" and "indirect material."

Claims 1 and 70 have been amended and new claims 133-135 have been added to more particularly define applicant's invention. Applicant respectfully submits that the amendments to these claims make explicit that which applicant believed was already implicit and are not, therefore, made for statutory purposes.

A personal or telephone interview with the Examiner is requested. Applicant's attorneys will contact the Examiner in the near future about scheduling an interview.

Claims 1-28 and 70-97 stand rejected Claims 1, 5-7, 12-18, 21-28, 70, 74-76, 81-87 and 90-97 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bellini et al. (U.S. Patent No. 5,974,395). Applicant respectfully traverses this rejection.

As noted in applicant's previous amendment filed on July 23, 2004, amended independent claims 1 and 70 provide for processing customer forecasted demands for procurement of direct material that include a supply chain server that receives the forecasted demands, and analyzes the forecasted demands to determine whether the forecasted demands are valid. Applicant's amended claim 1 further includes the step of "electronically analyzing by the supply chain server the customer forecasted demands to determine whether the customer forecasted demands are valid, wherein said step of analyzing includes determining compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns, and requests within agreed-to capacities[.]" Applicant's amended claim 70 includes similar limitations.

The Examiner has stated that Bellini, in contrast, does not expressly teach a supply chain server that is an entity independent of the customer and the supplier, such as the claimed "supply

chain server,” nor does Bellini teach a supply chain server that receives customer forecasted demands and analyzes the forecasted demands to determine compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns, and requests within agreed-to-capacities. Applicant respectfully maintains that Bellini does not regard processing customer forecasted demands for direct material.

The Examiner has taken “Official Notice” that it is old and well-known in the art of procurement to assign an independent gatekeeper to approve requests for supplies from a customer and for such a gatekeeper to approve these requests based on at least one of compliance with contractual terms, completeness, accuracy, adherence to previous forecasts, adherence to previous buying patterns and requests within agreed-to-capabilities with respect to forecasted demands for direct material.

In accordance with the 37 C.F.R. §1.104(d) and the Manual of Patent Examining Procedure (MPEP) §2144.03, it is appropriate for an Examiner to take Official Notice of facts not in the record or to rely on "common knowledge" in making a rejection in limited circumstances. Applicant respectfully disagrees with the Examiner’s Official Notice in this matter, in part because the Examiner’s Official Notice regards supplies and not direct material. Accordingly, applicant respectfully requests the Examiner to produce additional documentary evidence to support her position.

Furthermore, applicant respectfully submits that the Examiner’s Official Notice does not supply the missing elements of applicant’s claims 70 and 1 that are not taught or suggested by Bellini. Therefore, applicant respectfully submits that claims 70 and 1 are not rendered obvious over the combination of Bellini and the Examiner’s Official Notice.

Dependent claims 5-7, 12-18, and 21-28 depend directly or indirectly from independent claim 1 and, therefore, are allowable for the same reasons, as well as because of the combination of features set forth in those claims with the features set forth in the claim(s) from which they depend. Further, claims 74-76, 81-87 and 90-97 and 134-135 depend directly or indirectly from independent claim 70, and are, therefore, allowable for the same reasons. Applicant further submits that claim 133 is also allowable.

Claims 2-4, 8-11, 19-20, 71-73, 77-80 and 88-89 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bellini (and Examiner’s Official Notice), as applied to claims 1 and

70 above, in view of Landvater (World Class Production and Inventory Management). Applicant respectfully traverses this rejection.

Applicant respectfully maintains, as previously argued in amendments filed by Applicant on December 23, 2003, and July 23, 2004, Landvater does not supply elements of applicant's claims 1 and 70 that are missing from the teachings of Bellini and Examiner's Official Notice. Claims 2-4, 8-11, 19-20, 71-73, 77-80 and 88-89 depend either directly or indirectly from claims 1 or claim 70, respectively, and are, therefore, patentable for the same reasons, as well as because of the features set forth in those claims with the combination of features set forth in the claims from which they depend.

For the foregoing reasons, applicant respectfully submits that claims 1-28, 70-97 and 133-135 are allowable over the references cited by the Examiner.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV343685938US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 23, 2004:

Dorothy Jenkins

Name of applicant, assignee or
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Signature

September 23, 2004

Date of Signature

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Respectfully submitted,



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